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11 Attorneys for Defendants *Frankly Inc.,*
12 *Steve Chung, JJR Private Capital Limited Partnership,*
Ron Schmeichel and Louis Schwartz

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

16 GANNAWAY ENTERTAINMENT, INC., a
17 Delaware corp., ALBERT C. GANNAWAY III,
SAMANTHA GANNAWAY,

18 | Plaintiffs,

19 |

v.

20 FRANKLY INC., STEVE CHUNG, SKP
21 AMERICA, LLC, JJR PRIVATE CAPITAL
LIMITED PARTNERSHIP, RON
SCHMEICHEL, LOUIS SCHWARTZ

zz Defendants.

CASE NO. 3:17-cv-04169-RS

**STIPULATION AND [PROPOSED]
ORDER ADJOURNING INITIAL CASE
MANAGEMENT CONFERENCE AND
SETTING BRIEFING SCHEDULE ON
DEFENDANTS' MOTIONS TO DISMISS
THE FIRST AMENDED COMPLAINT**

Judge: Hon. Richard Seeborg
Dept: Courtroom 3, 17th Floor
Date: November 9, 2017
Time: 10:00 A.M.

1 Pursuant to Civil L.R. 6-1(b), it is hereby stipulated by and between Plaintiffs Gannaway
2 Entertainment, Inc., Albert C. Gannaway III, Samantha Gannaway (“Plaintiffs”) and Defendants
3 Frankly Inc., Steve Chung, SKP America, LLC, JJR Private Capital Limited Partnership (“JJR”), Ron
4 Schmeichel, and Louis Schwartz. (“Defendants”) through their respective attorneys, that:

5 WHEREAS, on July 21, 2017, Plaintiffs filed their Complaint in this action (ECF No. 1);

6 WHEREAS, the parties stipulated and agreed that Defendants’ responses to the Complaint
7 would be due on September 20, 2017;

8 WHEREAS, on September 20, 2017, Defendants Frankly Inc., Steve Chung, JJR Private
9 Capital Limited Partnership, Ron Schmeichel, and Louis Schwartz filed a Motion to Dismiss pursuant
10 to Fed. R. Civ. P. 12(b)(2) and 12(b)(6) (ECF No. 17), set for hearing on December 14, 2017;

11 WHEREAS, on September 20, 2017, SKP America, LLC filed a Motion to Dismiss pursuant
12 to Fed. R. Civ. P. 12(b)(6) (ECF No. 21);

13 WHEREAS, Plaintiffs requested and Defendants granted an additional one week extension of
14 time for Plaintiffs to file their Oppositions, from October 4 to October 11, 2017;

15 WHEREAS, in lieu of opposing Defendants’ motions to dismiss, Plaintiffs filed their First
16 Amended Complaint (“FAC”) on October 11, 2017 (ECF No. 28);

17 WHEREAS, Defendants intend to file motions to dismiss the FAC, triggering an automatic
18 stay of discovery and all other proceedings under the Private Securities Litigation Reform Act of 1998
19 (“PSLRA”), 15 U.S. Code § 78u-4(b)(3)(B);

20 WHEREAS, the Court currently has an Initial Case Management Conference scheduled for
21 November 9, 2017, at 10:00 AM, to address discovery and other proceedings;

22 WHEREAS, the parties respectfully submit that it would be wasteful of judicial resources and
23 the parties’ resources to proceed with an Initial Case Management Conference at this time, since
24 proceedings other than Defendants’ motions to dismiss are subject to the stay of discovery under the
25 PSLRA;

26 NOW, THEREFORE IT IS HEREBY STIPULATED AND AGREED THAT:

27 1. Defendants shall file their motions to dismiss the FAC by October 31, 2017.

1 2. Plaintiffs shall file their opposition to the motions to dismiss the FAC by November
2 22, 2017.

3 3. Defendants shall file replies in support of their motions to dismiss the FAC by
4 December 13, 2017.

5 4. Oral argument on Defendants' motions to dismiss the FAC shall be heard on January
6 18, 2018.

7 5. Subject to the Court's approval, the Initial Case Management shall be adjourned
8 pending resolution of Defendants' motions to dismiss.

9

10 DATED: October 25, 2017

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12 /s/ Elizabeth L. Deeley

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33 JJR Private Capital Limited
34 Partnership, Ron Schmeichel
35 and Louis Schwartz*

36 /s/ Kirk M. Hallam

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11 Attorney for Defendant
12 *SKP America, LLC*

13 PURSUANT TO STIPULATION, IT IS SO ORDERED,
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16 DATED: October 25, 2017
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13 HONORABLE RICHARD SEEBORG
14 UNITED STATES DISTRICT COURT JUDGE
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